

**ORDINANCE 2011-42**  
**LPA#11-7-4**  
**Jon Pospisil Gray's Airport Road**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.5, WHICH LIMITS RESIDENTIAL DENSITY TO SIXTY-FIVE (65) DWELLING UNITS ON SAID 65 ACRE PARCEL; REQUIRING CENTRAL UTILITIES FOR POTABLE WATER AND SEWER SERVICES BE PROVIDED UNDER SPECIFIED CONDITIONS ON SAID PARCEL; PROVIDING FOR MAXIMUM REQUIRED COMMON OPEN SPACE ON SAID PARCEL; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

2011 JUL 29 AM 9:44

FILED

**WHEREAS**, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25<sup>th</sup> day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan Amendment; and

**WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

**WHEREAS**, on the 12<sup>th</sup> day of August, 2010, Jon Pospisil filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Jon Pospisil did enter into a Compliance Agreement for DOAH Case Number 10-8880GM, as permitted by Section 163.3184(6), Florida Statutes; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

**WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that:

**Section 1. Comprehensive Plan Text Amendment.** The following Policy is added to the 2030 Comprehensive Plan:

**Policy I-1.6.5 Specific Limitations on the Gray's Airport Road Property**

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8880GM, Lake County DCA Docket#10-1ER-NOI-3501-(A)-(1) challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately sixty-five (65) acre property located east of Gray's Airport Road, generally described as:

NW 1/4 of SW 1/4 of NE 1/4, AND S 3/4 of S 1/2 of NW 1/4; LESS E 525 FT of S 400 FT of SE 1/4 of NW 1/4 all in Section 11 Township 18 South Range 24 East (Lake County Property Appraiser Alternate Key Number 1238846)

The property shall be assigned the Rural Transition Future Land Use Category and development within this property shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive Plan; however, the development of the property is hereby allowed, and shall not exceed, a maximum residential density of sixty-five (65) dwelling units. Non-residential uses are as allowed in the assigned future land use category. Central Utilities for potable water and sewer shall be provided as follows:

1. Potable Water: The development shall provide central water service with sufficient capacity to serve the development when such system is available and is within 330 feet of the boundary of the subject property; otherwise central water shall not be required unless required by state law.
2. Waste Water: The development shall provide central sewer consistent with state law as specified by 381.0065, F.S., as amended, and shall not be subject to connection requirements contained in the policies herein. If the Florida Health Department determines that ordinary individual septic tanks are appropriate, use of such systems shall be allowed by the County.

The Future Land Use Map shall contain a note stating the limitations in Policy I-1.6.5 Specific Limitations on the Gray's Airport Road Property.

**Section 2. Future Land Use Map Amendment.** The Future Land Use of the Pospisil Gray's Airport Road property is Rural Transition (maximum 1 du/1 net acre with 50% open space) and the Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.5 Specific Limitations on the Gray's Airport Road Property and is attached hereto as Exhibit "A" of the this Ordinance.

Said property is described as follows:

Alternate Key no. 1238846, further described as the NW 1/4 of SW 1/4 of NE 1/4, AND S 3/4 of S 1/2 of NW 1/4; LESS E 525 FT of S 400 FT of SE 1/4 of NW 1/4 all in Section 11 Township 18 South Range 24 East.



**Section 3. Stipulation on Required Open Space.** The County agrees that any zoning regulations applicable to the Gray's Airport Road Property shall not require more than 50% of the net buildable area to be preserved as common open space.

**Section 4. Advertisement.** This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

**Section 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

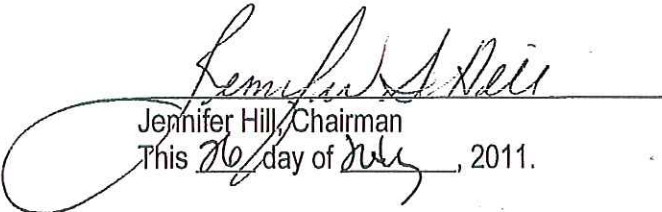
**Section 6. Effective Date.** This Ordinance shall become effective as provided for by law.

ENACTED this 26 day of July, 2011.


FILED with the Secretary of State July 29, 2011.

EFFECTIVE July 29, 2011

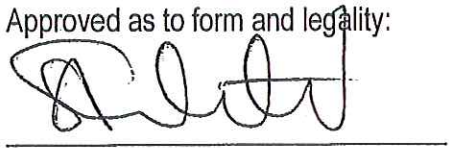
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
Jennifer Hill, Chairman  
This 26 day of July, 2011.

ATTEST:

  
Neil Kelly, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

  
Sanford A. Minkoff  
County Attorney

**EXHIBIT A**  
**LPA#11-7-4**  
**Jon Pospisil Gray's Airport Road**

